

5.11.2007

Present: Mr.Ramkant Sharma, Advocate, for the appellant.

Mr.Ashok Chaudhary, Addl. Advocate General, for respondent No.1.

Mr.C.N.Singh, Advocate, for respondent No.2.

In terms of present appeal, appellant herein is seeking enhancement of compensation awarded by the Land Acquisition Collector for acquisition of his land.

Vide Notification dated 27.7.1990 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), the appellant's land alongwith others (situated in revenue estates, known as Karuana and Billanwali-Gujran, Tehsil Nalagarh, District Solan) was acquired for the purposes of construction of a housing colony. The award was finally passed on 15.2.1991. It is an admitted case that the appellant herein accepted the award and entered into an agreement Ext.RW-2/A with regard to the same. The other land owners, however, did not accept the award and filed the petition under Section 18 of the Act wherein the compensation awarded for the acquired land was enhanced in terms of award dated 13.9.1993 passed in Land Reference Petition No. 32-NL/4 of 1991 and other land Reference Petitions which were clubbed alongwith the said petition. While deciding the impugned award, the Court has referred to the said agreement Ext.RW-2/A also and the appellant's request for enhancement was rejected.

In view of settled position of law laid down by the Apex Court in *Wardington Lyngdoh and others vs. Collector, Mankyrwat*, 1995 (4) SCC 428, the appellant who has accepted the award would not be entitled to the benefits of Section 18 of the Act.

For the foregoing reasons, the present appeal is dismissed.

5th November, 2007
(C)

(Sanjay Karol),
Judge